

# Review required State and Midway noticing requirements for land use applications.

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## SECTION 16.26.1 PUBLIC NOTICE

- Notice of the date, time, and place of all public hearings concerning the adoption or modification of a land use ordinance or zoning map shall be posted in at least three public locations within Midway City or on the City's official website. In addition, at least ten calendar days before the hearing, the notice shall be mailed to each affected entity (as defined in Utah law) and published in a newspaper of general circulation in Midway City.



# AFFECTED ENTITY

## 10-9a-103

- (3) "Affected entity" means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:
  - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.



## PUDS, SUBDIVISIONS, & PLAT AMENDMENTS

- Notice of the date, time, and place of all public hearings concerning a proposed Planned Unit Development or Subdivision, or plat amendment thereto, shall be mailed not less than three calendar days before the hearing to all record owners of property within the proposed Planned Unit Development or Subdivision and all record owners of property within 600 feet of the proposed Planned Unit Development or Subdivision. The applicant shall furnish a draft notice and stamped, addressed envelopes with the correct names and addresses of all record owners to the City no less than five calendar days before the hearing



## NOTICE TO SURROUNDING GOVERNMENTAL ENTITIES

- In proceedings involving rezoning of land that abuts other municipalities, unincorporated areas of the County, or a combination thereof, copies of the notice of public hearing shall be transmitted to the Planning agency of such governmental unit abutting such land. In addition to notice by publication, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.



# NOTICE REGARDING CHANGES TO ZONING ORDINANCE REQUIREMENTS

- A. For public hearings to hear proposed changes to General Plan provisions or Land Use requirements for any one or more of the following subjects, the City shall provide notice as required in this Chapter:
  - 1. A ten percent or more increase or decrease in the number of square feet or units that may be developed.
  - 2. A ten percent or more increase or reduction in the allowable height of a building.
  - 3. An increase or reduction in the allowable number of stories.
  - 4. A ten percent or more increase or decrease in the setback or open space requirements.
  - 5. An increase or reduction in permitted uses.
  - 6. Rezoning proceedings that may change the zoning classification of an individual real property owner's property.



## NOTICE REGARDING CHANGES TO ZONING ORDINANCE REQUIREMENTS

- B. The City shall provide notice to real property owners pursuant to notification procedures for proceedings governed by this Chapter. Notice shall be sent by first class mail to each real property owner, as shown on the latest County assessment records, whose real property is directly governed by the changes; or the City shall publish a summary of such changes in a newspaper of general circulation prior to the hearing. The summary shall be published in a "display ad" covering not less than one-eighth of a full page.



# STATE NOTICING

- 10-9a-202. Applicant notice -- Waiver of requirements.
- (1) For each land use application, the municipality shall:
  - (a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
  - (b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
  - (c) notify the applicant of any final action on a pending application.



# STATE NOTICING

- General Plan Amendment
- Publish on Utah Notice Website
- Mailed to each affected entity
- Posted in 3 public locations or on the City's website



# STATE NOTICING

- Code Text Amendment
- (2) Each notice of a public hearing under Subsection (1)(a) shall be:
  - (a) mailed to each affected entity at least 10 calendar days before the public hearing;
  - (b) posted:
    - (i) in at least three public locations within the municipality; or
    - (ii) on the municipality's official website; and
  - (c)
    - (i) posted on the Utah Public Notice Website created in Section 63A-16-601, at least 10 calendar days before the public hearing; or
    - (ii) mailed at least 10 days before the public hearing to:
      - (A) each property owner whose land is directly affected by the land use ordinance change; and
      - (B) each adjacent property owner within the parameters specified by municipal ordinance.



# STATE NOTICING

- Zone Map Amendment
- (4)(a) A municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within a proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.



# STATE NOTICING

- Subdivision Amendment

- (1)(a) For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).
- (b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:
  - (i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or
  - (ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.



# STATE NOTICING

- 10-9a-213. Hearing and notice procedures for modifying **sign regulations**.
- (1) (a) Prior to any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within any unified commercial development, as defined in Section 72-7-504.6, or within any planned unit development, a municipality shall give written notice of the proposed illuminated sign to:
  - (i) each property owner within a 500 foot radius of the sign site;
  - (ii) a municipality or county within a 500 foot radius of the sign site; and
  - (iii) any outdoor advertising permit holder described in Subsection 72-7-506(2)(b).
- (b) The notice described in Subsection (1)(a) shall include the schedule of public meetings at which the proposed changes to land use regulations or land use application will be discussed.
- (2) A municipality shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the illuminated sign.



# STATE NOTICING

10-9a-209. Notice challenge.

- If notice given under authority of this part is not challenged under Section 10-9a-801 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.